

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

08 JAN 18 PM 4:10

PRO SE CIVIL COMPLAINT

OFFICE OF THE CLERK

Case No. 8:08cv24
(the court will assign a number)

I. CASE CAPTION: Parties to this Civil Action:

Pursuant to Fed. R. Civ. P. 10(a), the names of all parties must appear in the case caption.
The court will not consider a claim against any defendant who is not listed in the caption.

A. Plaintiff(s) Name(s): Address(es): Telephone No. (only if
you are NOT a prisoner)

Stowell, Lin D. 2952 Harney St, Omaha 68131 (402) 813-2574

B. Defendant(s) Name(s): Address(es) If known:

PayPal (eBay Inc.) 2145 Hamilton Ave, San Jose, CA 95125

(Attach extra sheets if necessary.)

II. STATEMENT OF CLAIM(S)

State briefly the facts of your claim. Describe how each defendant is involved. You do not need to give legal arguments or cite cases or statutes. Use as much space as you need to state the facts. (Attach extra sheets if necessary.)

A. When did the events occur?

11/28/05 - 3/15/06

B. What happened?

11/28/05 I made eBay aware I was having brain abnormalities due to medication prescribed for injuries due to car accident (their employees rear ended my car.)
eBay told me to file for their short term disability plan. I was approved and collected benefits.
2/15/06 I was told by eBay's STD dept they informed eBay of additional medical info of mine (brain abnormality) occurring 12/0²/₃/05. eBay confirmed this to me, ~~that~~ (had received my medical info - which was misrepresented to eBay.) They would not divulge source of who told them, even though I told eBay they had received erroneous info and wanted to contact source to fix it, by stating the true facts.

II. STATEMENT OF CLAIM(S) (continued)

3/15/06 eBay fired me despite that I had been told I would not be released back to work and would be placed on long term disability. They fired me without notice that my STD benefits were being terminated immediately, even tho I'd been told they would be extended beyond this date. eBay (according to EOC) claims they fired me for the brain abnormality that occurred on 12/2/05. eBay is the Plan Administrator for their STD co. I was harassed by eBay & STD co when they claimed my health care providers gave (and misrepresented) my health info to eBay (which my health care providers deny contacting eBay.)

III. STATEMENT OF JURISDICTION

Check any of the following that apply to this case (you may check more than one):

☐ United States or a federal official or agency is a party

☒ Claim arises under the Constitution, laws or treaties of the United States

☐ Violation of civil rights

☒ Employment discrimination

☒ Diversity of Citizenship (a matter between citizens of different states in which the amount in controversy exceeds \$75,000)

☐ Other basis for jurisdiction in federal court (explain below)

IV. STATEMENT OF VENUE

State briefly the connection between this case and Nebraska. For example, does a party reside or do business in Nebraska? Is a party incorporated in Nebraska? Did an injury occur in Nebraska? Did the claim arise in Nebraska?

Plaintiff resides in Nebraska

Defendant does business in Nebraska

Claim arose in Nebraska

V. RELIEF

State briefly what you want the court to do for you.

- Subsequent reparations for lost wages/benefits/pain and suffering.*
1. Compensation for lost wages, benefits, pain + suffering.
 2. Demand eBay inform me now who informed them of my medical information so I can file complaint w/ appropriate agency. They will not tell me the source of their info

VI. EXHAUSTION OF ADMINISTRATIVE PROCEDURES

Some claims, but not all, require exhaustion of administrative procedures. Answer the questions below to the best of your ability.

- A. Have the claims which you make in this civil action been presented through any type of administrative procedure within any state or federal government agency?

Yes EEOC No HIPPA
ERISA

- B. If you answered yes, state the date your claims were so presented, how they were presented, and the result of that procedure:

EEOC 1/3/07, written narrative to Kansas City Office finding:
"unable to conclude" + right to sue issued 10/23/07
ERISA, approx Feb + March 06, multiple Phone calls, I believe they
said they couldn't enforce my issues.

~~HIPPA~~

- C. If you answered no, give the reasons, if applicable, why the claims made in this action have not been presented through administrative procedures:

HIPPA - Only recently recieved substantiation that
an un-named (medical professional or insurance Co)
(eBay administers plan) gave my medical info to PayPal/
eBay.

VII. ARE YOU REQUESTING TRIAL BY A JURY OR BY A JUDGE? (check one):

JURY

☒

JUDGE

VIII. VERIFICATION

I (we) declare under penalty of perjury that the foregoing is true and correct.

Date(s) Executed:

1/18/08

Signature(s) of Plaintiff(s):

Kim Stowell

Note:

IF YOU CANNOT AFFORD TO PAY THE COURT'S FILING FEE UPON THE FILING OF YOUR COMPLAINT, THERE IS A SEPARATE FORM TO BE USED FOR APPLYING TO PROCEED IN FORMA PAUPERIS. Also, if there is more than one plaintiff in the case who wishes to proceed in forma pauperis, each such plaintiff must submit a separate application to proceed in forma pauperis.

EEOC Form 161 (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Lin Stowell**
2952 Harney Street, Apt. 3
Omaha, NE 68131

From: **Kansas City Area Office**
Gateway Tower II
400 State Avenue
Kansas City, KS 66101



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

563-2007-00616

Tezzie S. Wells,
Supervisory Investigator

(913) 551-5841**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Tezzie S. Wells

Billie I. Ashton,
Director

10/23/2007

(Date Mailed)

Enclosures(s)

cc:

Director of Human Resources
c/o PAYPAL
12312 Port Grace Blvd.
La Vista, NE 68128